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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 PATRICE PIGRAM, *et al.*,

12 Plaintiffs,

13 v.

14 ERIS M. WILLIAMS, *et al.*,

15 Defendants.  
16

Case No. CV 15-4498-R (AFM)

**JUDGMENT**

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18 This matter came before the Court on the First Amended Complaint of  
19 Patrice Pigram, Ryane-Lisa White and Annie J. Pigram. Having reviewed the First  
20 Amended Complaint and Defendants' Motions to Dismiss, the Court accepted the  
21 Report and Recommendation of the United States Magistrate Judge on March 15,  
22 2016 and dismissed plaintiffs' claims against defendants CIC and AMC without  
23 leave to amend and without prejudice for lack of subject matter jurisdiction. In the  
24 March 15, 2016 Order, the Court also dismissed plaintiffs' claims against all other  
25 defendants but granted plaintiffs leave to file a Second Amended Complaint within  
26 30 days of the date of the Order. The Magistrate Judge subsequently extended the  
27 date for filing a Second Amended Complaint until May 2, 2016. As of the date of  
28 this Judgment, plaintiffs have not filed a timely Second Amended Complaint.

1 Under Fed. R. Civ. P. 41(b), the Court may dismiss an action for failure to  
2 prosecute. The Court has weighed the factors set out in *Ferdik v. Bonzelet*, 963  
3 F.2d 1258, 1260 (9th Cir. 1992), and concludes that they support dismissal.  
4 Plaintiffs' conduct hinders the Court's ability to move the case towards disposition  
5 and indicates that plaintiffs do not intend to litigate this case diligently. Defendants  
6 will be prejudiced by plaintiffs' unreasonable delay, and the policy in favor of  
7 resolution on the merits is outweighed by plaintiffs' failure to follow the Court's  
8 order for proceeding in this case. In these circumstances (and where plaintiffs were  
9 previously granted an extension of time to file their Second Amended Complaint),  
10 less drastic sanctions as an alternative to dismissal are not available.

11 Accordingly, IT IS ORDERED AND ADJUDGED that the action is  
12 dismissed for the reasons stated in the Magistrate Judge's February 11, 2016 Report  
13 and Recommendation and for plaintiffs' failure to prosecute the case in response to  
14 the Court's March 15, 2016 Order.

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16 DATED: June 22, 2016



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18 MANUEL L. REAL  
19 UNITED STATES DISTRICT JUDGE  
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